

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

IBN HAQQ,

Plaintiff,

v.

MARGARET MIMS, et al.,

Defendants.

Case No. 1:20-cv-01547 JLT GSA (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THIS CASE**

(Doc. 30)

Ibn Haqq, a former county jail inmate, sought to hold the defendants liable for violations of his civil rights while housed at the Fresno County Jail. (*See generally* Doc. 27.) After the Court issued orders screening Plaintiff's second amended complaint (Doc. 28) and directing Plaintiff to submit service documents (Doc. 29), the U.S. Postal Service returned the Court's orders marked "Undeliverable, Return to Sender, Not in Custody, Unable to Forward" on May 23, 2025. The magistrate judge determined that Plaintiff failed to prosecute the action and failed to comply with the Court's order. (Doc. 30 at 2.) The magistrate judge found terminating sanctions are appropriate, after considering the factors identified by the Ninth Circuit in *Malone v. United States Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987). (*Id.* at 2-4.) Therefore, the magistrate judge recommended the Court dismiss the action without prejudice. (*Id.* at 5.)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 30 days. (Doc. 30 at 5.) Although the Court served the Findings

1 and Recommendations on Plaintiff at the only address on record, the Postal Service again
2 returned the mail as “Undeliverable, Not in Custody” on July 24, 2025. Nevertheless, the Court’s
3 service is deemed fully effective pursuant to Local Rule 182(f).

4 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
5 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
6 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 7 1. The Findings and Recommendations issued on July 7, 2025 (Doc. 30) are
8 **ADOPTED** in full.
- 9 2. The action is **DISMISSED** without prejudice.
- 10 3. The Clerk of Court is directed to close the case.

11
12 IT IS SO ORDERED.

13 Dated: **July 29, 2025**


UNITED STATES DISTRICT JUDGE